UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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IN RE: AMERICAN EXPRESS ANTI-   06 Civ. 2974 (WHP)
STEERING RULES ANTITRUST   :
LITIGATION   ORDER
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This Document Relates To: All Actions
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WILLIAM H. PAULEY III, District Judge:

By Memorandum and Order dated July 7, 2010, this Court stayed discovery in this action pending a decision by the Court of Appeals in American Express Co., et al. v. Italian Colors Restaurant, No. 06-1871-cv on remand from the Supreme Court, with the caveat that Plaintiffs could participate in ongoing merits-based discovery "as it unfolds in the Individual Merchant Action." (Docket No. 77 (the "July 7 Order").) By separate letters dated July 15, 2010, the parties now spar over the deposition of Colm Lorrigan, General Counsel for the Amex unit responsible for the Asia-Pacific region. Following the July 7 Order, Plaintiffs in the Individual Merchant Action pending in the Eastern District of New York postponed Lorrigan's deposition, which had been scheduled to commence July 19, 2010. Plaintiffs ask this Court to order Lorrigan to appear for a deposition "on a date certain in the near term."

The July 7 Order only permitted Plaintiffs to participate in discovery "proceeding in the Individual Merchant Action independent of this action." (July 7 Order at 6). It did not grant Plaintiffs leave to pursue merits-based discovery independent of the Individual Merchant Action. Counsel in the Individual Merchant Action has decided not to depose Lorrigan at this time. Accordingly, this Court will not interfere in ongoing discovery in the Individual Merchant

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Action by ordering Lorrigan's deposition at a time when counsel in the Individual Merchant

Action do not want it.

Dated: July 16, 2010
      New York, New York

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SO ORDERED:

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WILLIAM H. PAULEY III
U.S.D.J.

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